

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rachel Amo	Team: Team # 1	CCRB Case #: 200511356	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 09/18/2005 3:00 AM	Location of Incident: 1085 Anderson Avenue	Precinct: 44	18 Mo. SOL 3/18/2007	EO SOL 3/18/2007	
Date/Time CV Reported Tue, 09/20/2005 8:30 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 09/23/2005 2:53 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Osvaldo Nunez	03579	918086	044 PCT
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Patrick Ryan	29054	937461	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Osvaldo Nunez	Abuse: Sgt. Osvaldo Nunez refused to provide his name and/or shield number to § 87(2)(b) at the 44th Precinct.	
B. An officer	Abuse: An officer refused to provide his name and/or shield number to § 87(2)(b)	
C.SGT Osvaldo Nunez	Abuse: Sgt. Osvaldo Nunez threatened to notify Administration for Children's Services at the 44th Precinct.	
D. An officer	Abuse: An officer threatened to notify Administration for Children's Services.	
E.SGT Osvaldo Nunez	Force: Sgt. Osvaldo Nunez used physical force against § 87(2)(b)	
F.SGT Osvaldo Nunez	Discourtesy: Sgt. Osvaldo Nunez spoke obscenely and/or rudely to § 87(2)(b)	
G. An officer	Abuse: An officer threatened § 87(2)(b) with the use of force.	

## Synopsis

On September 23, 2005, the CCRB received a referral from the Internal Affairs Bureau regarding § 87(2)(b) § 87(2)(b) called IAB and reported that on September 18, 2005, at approximately 3:00 AM, she saw her § 87(2)(b)-year-old son, § 87(2)(b) in the back seat of a patrol car in front of 1085 Anderson Avenue in the Bronx. § 87(2)(b) saw an officer whom she identified as Sgt. Osvaldo Nunez of the 44<sup>th</sup> Precinct, reach into the backseat of the patrol car and hit her son across the right cheek. No bruising or marks were sustained as a result of the encounter but § 87(2)(b)'s wrist hurt because the handcuffs were too tight. § 87(2)(b) did not seek medical treatment because he was okay, "just shook up."

On September 28, 2005, the investigator called § 87(2)(b) and left a message on her answering machine requesting that she call back. § 87(2)(b) called later in the day and confirmed the above narrative. She added that § 87(2)(b) was arrested for § 87(2)(a) Fam. Ct. Act § 281.2 and a juvenile report was prepared. She stated that on the date of the incident, § 87(2)(b) was at a party with his cousin, § 87(2)(b) § 87(2)(b) went to the 44<sup>th</sup> Precinct where she saw Sgt. Nunez, and also identified PO Patrick Ryan of the 44<sup>th</sup> Precinct as her son's arresting officer. § 87(2)(b) reported that when she asked the officers for their names, they did not provide them and threatened to call Administration for Children's Services (**Allegations A-D**). The investigator also spoke to § 87(2)(b) who reported that Sgt. Nunez punched him on his right cheek and said, "Shut the fuck up" (**Allegations E-F**). Additionally, § 87(2)(b) reported that "the Irish officer" attempted to pepper spray his mother (**Allegation G**). On September 29, 2005, the investigator called § 87(2)(b) and offered her the option of mediating her complaint. § 87(2)(b) accepted mediation, § 87(2)(b) An appointment was scheduled for the § 87(2)(b) to appear at the CCRB on October 3, 2005. However, both failed to appear as scheduled and did not call to cancel or reschedule the appointment.

On October 6, 2005, the investigator sent a contact letter to § 87(2)(b) requesting that she call back and reschedule the appointment, but received no response. The postal service did not return the letter, indicating that the address is correct. The investigator made three more contact attempts by calling § 87(2)(b) on October 21 and 26, 2005, and on November 2, 2005. Each time, the investigator left a message on § 87(2)(b)'s answering machine requesting that she call back, but received no response. Additionally, the investigator sent a second contact letter to § 87(2)(b) on October 27, 2005, requesting that she call back regarding the CCRB complaint. To date, § 87(2)(b) has not responded to any of the contact attempts.

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Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: